


**JIM STACK PROCESS SERVERS**
**WE DO WRITS RIGHT!**
**P.O. BOX 716**
**MILLBRAE, CA 94030**
**650-589-6663 FAX 650-589-6157**
**BDNUS@AOL.COM JIMSTACKPROCESSERVERS.COM**

TAX ID NO:

94-1671497

INVOICE DATE : 7/26/2007

**Client:** ERSKINE & TULLEY, A PROFESSIONAL CORPORATION  
**Attention:** MICHAEL J. CARROLL, ESQ #50246  
**Address:** 220 MONTGOMERY ST., STE 303  
 SAN FRANCISCO, CA 94104

**Phone:** 415-392-5431 **Fax:**  
**Client's#** MTB Acct:1879

INVOICE NUMBER : 23488

Documents Served:  
 Summons  Complaint  ADR  CCCS  Cross  
**1. SEE ATTACHMENT TO PROOF OF SERVICE**  
 3.X  
 4.X  
 5.X

Case Title : BOARD OF TRUSTEES -V- MTB INC.

Case Number: C 07 3204 PJH

Date Filed :

Court of Record Name/Address:

UNITED STATES DISTRICT COURT NORTHERN  
 , CA

Hrng. Date:

PARTY TO BE SERVED: MTB INC., A CALIFORNIA CORPORATION

ADDRESS #1. :

ADDRESS #2. : 9575 MAIN ST., PENNGROVE CA 94951

PARTY SERVED: (same as above if blank)

Name &amp; Description: SPENCER LESLEY, VICE PRESIDENT

DATE/TIME: 7/18/2007 4:03PM

 Multiple Parties

SERVICE LOCATION: 9575 MAIN ST., PENNGROVE CA 94951

SERVICES	CHARGES	BAD ADDRESS(es) (none if blank):	
FEE FOR SERVICE	\$80.00	Attempts: Loc./Date/Time	Not Served at address given : Other:
<i>Find</i>			
MISC.:			
<b>TOTAL CHARGES:</b>	\$80.00	<b>TOTAL PAID:</b>	\$0.00
			<b>TOTAL DUE:</b> \$80.00

MICHAEL J. CARROLL, ESQ #50246  
 ERSKINE & TULLEY, A PROFESSIONAL CORPORATION  
 220 MONTGOMERY ST., STE 303  
 SAN FRANCISCO CA 94104  
 415-392-5431 415-392-1978

**UNITED STATES DISTRICT COURT  
 UNITED STATES DISTRICT COURT OF CALIFORNIA**

BOARD OF TRUSTEES	CASE NUMBER:  C 07 3204 PJH
Plaintiff(s):  v.  MTB INC.	Defendant(s):  (Use separate proof of service for each person/party served)

1. At the time of service I was at least 18 years of age and not a party to this action and I served copies of the (*specify documents*):

a.  summons  complaint  alias summons  first amended complaint  
 second amended complaint  
 third amended complaint

other (*specify*): SEE ATTACHMENT TO PROOF OF SERVICE

2. Person served:

a.  Defendant (*name*): MTB INC., A CALIFORNIA CORPORATION  
 b.  Other (*specify name and title or relationship to the party/business named*):

SPENCER LESLEY, VICE PRESIDENT

c.  Address where papers were served:

9575 MAIN ST., PENNGROVE CA 94951

3. Manner of Service in compliance with (*the appropriate box must be checked*):

a.  Federal Rules of Civil Procedure  
 b.  California Code of Civil Procedure

4. I served the person named in Item 2:

a.  By Personal service. By personally delivering copies. If the person is a minor, by leaving copies with a parent, guardian, conservator or similar fiduciary and to the minor if at least twelve (12) years of age.

1.  Papers were served on (date): 7/18/2007 at (time): 4:03PM

b.  By Substituted service. By leaving copies:

1.  (home) at the dwelling house, usual place of abode, or usual place of business of the person served in the presence of a competent member of the household, at least 18 years of age, who was informed of the general nature of the papers.

2.  (business) or a person apparently in charge of the office or place of business, at least 18 years of age, who was informed of the general nature of the papers.

3.  Papers were served on (date): \_\_\_\_\_ at (time): \_\_\_\_\_

4.  by mailing (*by first-class mail, postage prepaid*) copies to the person served in Item 2(b) at the place where the copies were left in Item 2(c).

5.  papers were mailed on (date): \_\_\_\_\_

6.  due diligence. I made at least three (3) attempts to personally serve the defendant.

PP#: 23488

CV-1 (04/01)

**PROOF OF SERVICE -SUMMONS AND COMPLAINT**

PAGE 1  
 BOARD OF TRUSTEES -V- MTB INC.

- c.  **Mail and acknowledgment of service.** By mailing (*by first-class mail or airmail, postage prepaid*) copies to the person served, with two (2) copies of the form of Waiver of Service of Summons and Complaint and a return envelope, postage prepaid addressed to the sender. (Attach completed Waiver of Service of Summons and Complaint).
- d.  **Service on domestic corporation, unincorporated association (including partnership), or public entity. (F.R.Civ.P. 4(h)) (C.C.P. 416.10)** By delivering, during usual business hours, a copy of the summons and complaint to an officer, a managing or general agent, or to any other agent authorized by appointment or by law to receive service of process and, if the agent is one authorized by statute and the statute so requires, by also mailing, by first-class mail, postage prepaid, a copy to the defendant.
- e.  **Substituted service on domestic corporation, unincorporated association (including partnership), or public entity. (C.C.P. 415.20 only)** By leaving during usual office hours, a copy of the summons and complaint in the office of the person served with the person who apparently was in charge and thereafter by mailing (*by first-class mail, postage prepaid*) copies to the persons at the place where the copies were left in full compliance with C.C.P. 415.20. Substitute service upon the California Secretary of State requires a court order. (Attach a copy of the order to this Proof of Service).
- f.  **Service on a foreign corporation.** In any manner prescribed for individuals by FRCP 4(f).
- g.  **Certified or registered mail service.** By mailing to an address outside California (*by first-class mail, postage prepaid, requiring a return receipt*) copies to the person served. (Attach signed return receipt or other evidence of actual receipt by the person served).
- h.  **Other (specify code section and type of service):**

5. Service upon the **United States, and Its Agencies, Corporations or Officers.**

- a.  by delivering a copy of the summons and complaint to the clerical employee designated by the U.S. Attorney authorized to accept service, pursuant to the procedures for the Office of the U.S. Attorney for acceptance of service, or by sending a copy of the summons and complaint by registered or certified mail addressed to the civil process clerk at the U.S. Attorneys Office.

Name of person served:

Title of person served:

Date and time of service: (date): \_\_\_\_\_ at (time): \_\_\_\_\_

- b.  By sending a copy of the summons and complaint by registered or certified mail to the Attorney General of the United States at Washington, D.C. (Attach signed return receipt or other evidence of actual receipt by the person served).
- c.  By sending a copy of the summons and complaint by registered or certified mail to the officer, agency or corporation (Attach signed return receipt or other evidence of actual receipt by the person served).

6. At the time of service I was at least 18 years of age and not a party to this action.

7. Person serving (name, address and telephone number):



KEVIN G McBRIDE  
JIM STACK PROCESS SERVERS  
P.O. BOX 716  
MILLBRAE, CA 94030  
650-589-6663 #21 SAN MATEO CO.

- a. Fee for service: \$ 80.00
- b.  Not a registered California process server
- c.  Exempt from registration under B&P 22350(b)
- d.  Registered California process server  
SONOMA CO #P358

8.  I am a California sheriff, marshal, or constable and I certify that the foregoing is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Date: 7-26-07

(Signature)

PP# 23488

CV-1 (04/01)

PROOF OF SERVICE - SUMMONS AND COMPLAINT

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BOARD OF TRUSTEES -V- MTB INC.

## ATTACHMENT

Re: Board of Trustees of the Sheet Metal Workers, et al.  
vs. MTB INC., etc.  
United States District Court, Action No. C 07 3204 PJH

## DOCUMENTS TO BE SERVED:

1. SUMMONS
2. COMPLAINT
3. U.S. DISTRICT COURT NORTHERN CALIFORNIA - ECF REGISTRATION INFORMATION HANDOUT
4. WELCOME TO THE U.S. DISTRICT COURT
5. ORDER SETTING INITIAL CASE MANAGEMENT CONFERENCE AND ADR DEADLINES
6. STANDING ORDER FOR ALL JUDGES OF THE NORTHERN DISTRICT OF CALIFORNIA / CONTENTS OF JOINT CASE MANAGEMENT STATEMENT
7. NOTICE OF AVAILABILITY OF MAGISTRATE JUDGE TO EXERCISE JURISDICTION
8. NOTICE OF LAWSUIT AND REQUEST FOR WAIVER OF SERVICE OF SUMMONS
9. WAIVER OF SERVICE OF SUMMONS
10. JOINT CASE MANAGEMENT STATEMENT AND PROPOSED ORDER
11. CONSENT TO PROCEED BEFORE A UNITED STATES MAGISTRATE JUDGE
12. SUPPLEMENTAL CASE MANAGEMENT STATEMENT AND PROPOSED ORDER
13. DISPUTE RESOLUTION PROCEDURES IN THE NORTHERN DISTRICT OF CALIFORNIA